

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

BACKWARD CLASSES WELFARE DEPARTMENT – Appeal Petition filed by Sri.Ganta Rajesh S/o Sambaiah, R/o Munigalavedu, Nellikudur Mandal, Warangal District against the Proceedings C5/4024/2007, Dt:18.7.2008 of the Collector and District Magistrate, Warangal – Appeal allowed – Orders – Issued.

BACKWARD CLASSES WELFRARE (C1) DEPARTMENT

G.O.Ms.No.19

Dated: 24.07.2010

Read the following:

- Ref:-1) Collector&Dist. Magistrate, Warangal, Proceedings.
No.C5/4024/2007, Dt.18-7-2008
- 2) From Sri Ganta Rajesh S/o Sambaiah, R/o Munigalavedu, Nellikudur Mandal, Warangal District, representation dt.-07-08.
- 3) The Order on the W.P.No.16750/2008 from the Hon'ble A.P.High Court, dt.17.12.2009.
- 4) Govt.Memo.No.3481/C1/2008, dated,11.02.2010.
- 5) From the Collector&Dist. Magistrate, Warangal, No.C5/4024/2007, Dt.13-2-2010.
- 6) Govt.Memo.No.3481/C1/2008, dated,12.03.2010.
- 7) From Sri Ganta Rajesh S/o Sambaiah, R/o Munigalavedu, Nellikundur Mandal, Warangal District, representation dt.03.04.2010.
- 8) Govt.Memo.No.3481/C1/2008, dated,08.04.2010 and remindersDt.6-5-2010& Dt.21-5-2010.
- 9) From the Collector&Dist. Magistrate, Warangal, No.C5/4024/2007, Dt.21-6-2010.
- 10)Govt.Memo.No.4362/C2/2008-1,Dt.26-9-2008.

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ORDER:

While conducting the counseling for admissions into MBBS / BDS course 2006, the Director, B.C.Welfare raised doubt on the genuineness of the BC-A (Vadabaliya) Caste Certificate produced by Sri Ganta Rajesh, S/o.Sambaiah, R/o.Munigalavedu Village of Nellikudur Mandal of Warangal District, and requested the Collector & District Magistrate Warangal vide Lr.No.E1/3826/06, Dtd.25.07.2006 to conduct a detailed enquiry about the caste of the candidate and his father's nativity, with an officer not below the rank of Deputy Collector.

2) The Collector & District Magistrate appointed the District Youth Welfare Officer & CEO SETWAR, Warangal as an Enquiry Officer to conduct a detailed enquiry.

3) The District Youth Welfare Officer and Ex-Officio Chief Executive Officer SETWAR Warangal submitted his enquiry report through Lr.No.Supdt./951/06, Dtd.13.12.2006, and found that Ganta Rajesh has obtained "Vadabaliya" Caste Certificate fraudulently by unfair means. He has informed the Director BC Welfare, AP, Hyderabad, vide his Lr.No.A2/951/06, dtd.11.05.2007. The Director BC Welfare, Hyderabad has requested the Collector, Warangal to take action as per Act16/1993, for cancellation of false certificate produced by Sri Ganta Rajesh.

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4) The Collector & Dist. Magistrate, Warangal stated that as per Anantharam Commission report, generally Vadabaliya people reside in the coastal areas and their main occupation is fishing and these families are not existing in the Telangana and Rayalaseema areas. But some forward caste people like “Kshatriya” and “Baliya” community people in Telangana area are falsely claiming themselves as “Agnikula Kshatriya” and “Vadabaliya” castes which fall under BC category. The Chief Executive Officer SETWAR Warangal who enquired in the village gave his finding that Sri.Ganta Rajesh family is not residing in Munigalavedu(V). The Collector & District Magistrate, Warangal referred the matter to the DLSC, Warangal to enquire into the matter.

5) The Chairman District Level Scrutiny Committee, Warangal/ Joint Collector, Warangal, issued notice in Form VI to the candidate, i.e., Ganta Rajesh, vide DLSC Warangal notice No.C5/4204/07, dtd.31.08.2007, directing him to appear before the DLSC on 19.09.2007, for hearing, but, the date was adjourned due to administrative reasons. Accordingly, Sri Ganta Rajesh along with his parents attended before the Scrutiny Committee on 27.09.2007. But, they did not submit any material evidence to substantiate their claim. The Candidate did not produce any other document to substantiate the claim of his caste as “Vadabaliya”, and their native place was also not confirmed. The DLSC had examined the following xerox copies documents produced by the applicant in support of his caste claim:-

- a. Electoral list Gram Panchayat Voter list of 2006 in respect of 264 and 265 Dornakal and Mahabubabad Assembly Constituencies
- b. Receipt of provisional admission of NTR University.
- c. TC of VII, X class of the candidate.
- d. Inter pass certificate cum Memo of marks.
- e. Inter study and conduct Certificate.
- f. V to X Class study and conduct certificate.
- g. House tax receipt “issued” by G.P.Munigalavedu, and
- h. Residential Certificate issued by Panchayat Secretary and Tahsildar, Nellikudur.

6) The District Level Scrutiny Committee, after examination of the documents, had rejected the social status claim of Sri.Ganta Rajesh as Vadabaliya BC-A due to lack of documentary evidence in support of his claim.

7) The District Level Scrutiny Committee also found that the candidate has failed to substantiate his claim as Vadabaliya, and, therefore, recommended for cancellation of ‘Vadabaliya’ BC-A caste issued to the candidate.

8) Accordingly, the Collector & District Magistrate, Warangal has issued a show cause notice to Sri.Ganta Rajesh duly furnishing the copy of the findings of the District Level Scrutiny Committee, vide Notice No.C5/4024/07, dt.08.02.2008. Sri Ganta Rajesh has submitted his explanation dt.28.02.2008, without producing any substantial evidence in favour of his claim for social status that he belongs to Vadabaliya caste (BC-A). He has also failed to disclose his father’s original native place and the particulars of his relatives who obtained Vadabaliya Certificates.

9) Keeping in view the report of the CEO,SETWAR and the opinion of the DLSC, and after examining the explanation given by Sri Ganta Rajesh, S/o Sambaiah, the Collector & District Magistrate, Warangal has cancelled the BC Caste certificate issued in favour of Sri Ganta Rajesh, vide ref 1st read above.

10) Aggrieved by the orders of the Collector & District Magistrate, Warangal, Sri Ganta Rajesh S/o Sambaiah, R/o Munigalavedu, Nellikundur Mandal, Warangal District, has filed an Appeal petition before the Government, under Rule 11 of the AP SCs, STs & BCs Issue of the Community, Nativity & Date of Birth Certificate Rules, 1977, and requested to suspend the orders passed by the District Collector, Warangal, pending disposal of the Appeal Petition and pass such other suitable order or orders in the circumstances of the case.

11) The Appeal Petition filed by Sri Ganta Rajesh, S/o. Ganta Sambaiah, R/o. Munigalavedu(V), Nellikudur Mandal, Warangal District, was taken on the file of the Government, and called for the records in the reference 4th read above.

12) In the reference 5th read above, the Collector & District Magistrate, Warangal, has furnished the records along with Para-wise remarks on the appeal petition.

13) The applicant Sri Ganta Rajesh in his appeal petition has submitted the following grounds in support of his social status as 'Vadabaliya' (BC-A):-

- a. That his fore fathers originally migrated from Ampollu(V), Gara(M), Visakhapatnam District.
- b. That his father is doing cloth business moving from one place to another place. His father is an illiterate one.
- c. That his family shifted their residence from Neerukulla(V), Athmakur(M) to Munigalavedu(V), Nellikuduru(M) in the year 2004.
- d. That he obtained VadaBaliya, BC-A caste certificate from the MRO, Nellikuduru(M) on 29-11-2004.
- e. That the District Collector, Warangal cancelled the caste certificate basing on the exparte enquiry report submitted by the CEO, SETWAR, Warangal, neither he nor his parents were present before the enquiry officer or in the village at the time of enquiry.
- f. That he had appeared for EAMCET examination in the year 2006, and got seat in Mamatha Medical College, Khammam. But due to delay in verification of community certificate, he lost the seat in MBBS. He had appeared for EAMCET examination and got seat in Kakatiya Medical College, Warangal, and successfully completed 1st year MBBS, and appeared for examination, but results were not announced due to non-completion of verification of community certificate.
- g. That he had filed an appeal before the Principal Secretary to Government, against the orders passed by the District Collector, Warangal, cancelling the Caste Certificate issued to him. He had also filed a W.P.No.16750/2008, before the High Court of A.P., wherein the Hon'ble Court issued orders granting interim stay. The Hon'ble High Court has issued final orders on 17.12.2009 in the above W.P.

14. In the reference 6th read above, the appellant was requested to attend the hearing on 3-4-2010, Sri.G.Rajesh attended the hearing and submitted a representation before Hon,ble M(BCW) during the hearing of the case. The Hon,ble M(BCW) has ordered to obtain a report on the representation of the appellant.

15. In the references 9th read above, the Collector & Dist. Magistrate Warangal has furnished a detailed report on the points raised in the representation given during the hearing by the Hon'ble Minister for B.C.Welfare. He has informed that the District BC Welfare Officer, Warangal, had caused a discreet enquiry and furnished the following information:-

- a. Sri.G.Rajesh, S/o Sambaiah, has been residing in Neerukulla Village, Atmakur Mandal, Warangal District bearing H.No.1-82, as per Grampanchayat tax receipt, and Election Commission Identity card issued to Sri.G.Rajesh, S/o Sambaiah.
- b. Sri.G.Rajesh, S/o Sambaiah hails from Vada Baliya Caste, as declared by the representatives of villagers and other prominent persons residing in Neerukulla village.
- c. The Thasildar, Atmakur Mandal also certified that the caste certificate which was issued to Sri.G.Rajesh is correct.
- d. Relatives of Sri.G.Rajesh, S/o Sambaiah, have been residing in Neerukulla Village. One of his relatives, Sri.K.Lakshmi Narayana, also attended the enquiry, and stated that they belong to "Vadabaliya" Caste. Their fore fathers migrated from Coastal areas, and settled in Neerukulla Village, Atmakur Mandal, Warangal District.
- e. The Transfer Certificate bearing.no.87546 issued by the Principal, AP Residential School, Nagarjuna Sagar, Nalgonda, also shows the caste of Sri.G.Rajesh, S/o Sambaiah, as "Vadabaliya" BC-A.
- f. Village Secretary, Neerukulla also certified the caste of Sri.G.Rajesh as "Vadabaliya".

16. The DBCWO has also furnished the following certificates in support of the caste claim of Sri G.Rajesh as "Vadabaliya" BC-A:-

- a) The Identity Card issued by the Election Commission of India
- b) House hold card
- c) Caste Certificate issued by Mandal Revenue Officer, Atmakur
- d) Transfer Certificate issued by Principal, AP Residential School, Nagarjuna Sagar.
- e) Transfer Certificate issued by the Principal, Santhinikethan Junior College, Hanmakonda.
- f) Community, Nativity and Date of Birth Certificate issued by MRO, Atmakur.
- g) Verification Certificate issued by Thasildar, Atmakur Mandal, dt:31.05.2010.

- h) Panchnama Certificate received from the villagers attended the enquiry.
- i) Other certificates in support of the nativity of Sri.G.Rajesh as Neerukulla.

17) In the reference 10th read above, Government have also directed the District Collectors of Khammam, Warangal, Karimnagar and Adilabad to issue BC-A Caste Certificates to Vada Balija caste People after making an enquiry and on the merits.

18) Government after examining the appeal petition of Sri Ganta Rajesh, S/o.Ganta Sambaiah, R/o.Munigalavedu(V), Nellikudur Mandal, Warangal District, and the report of the Collector & District Magistrate, Warangal in detail have decided to allow the petition in detail have decided to allow the petition.

19) Accordingly, Govt., hereby allow the appeal petition of Sri Ganta Rajesh, S/o.Ganta Sambaiah, R/o.Munigalavedu(V), Nellikudur Mandal, Warangal District, .In exercise of the powers conferred under Section 7(2) of A.P. (SCs, STs and BCs) Regulation of issue of Community Certificates Act, 1993, and Rules, 1997, the Proceedings of the District Collector, Warangal, No.C5/4024/2007, Dt:18-7-2008, are hereby quashed.

20) The original records (containing cf. pages 388) received through the reference 5th read above are returned herewith to the Collector & Dist. Magistrate, Warangal and the receipt of the same shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr.A.VIDYA SAGAR
PRINCIPAL SECRETARY TO GOVERNMENT**

To
Sri Ganta Rajesh, S/o.Ganta Sambaiah,
R/o.Munigalavedu(V), Nellikudur Mandal,
Warangal District
The Collector& District Magistrate, Warangal
The Director, B.C.Welfare, Hyderabad
The Registrar, NTR Health University, Vijayawada, Krishna District
The Principal, Kakatiya Medical College, Warangal, Warangal District
Copy to:
The OSD to M (BCW)
The PS to Prl. Secy., BCWD
The PA to DS, BCWD
SF/SC

//Forwarded by order//

Section Officer